

Application No. 09/972,428

NMTI 1002-4
(747 CON 2)**REMARKS**

In the Official Action mailed 1 March 2004, the Examiner reviewed claims 1-26 and 28-56. Claims 1-22 have been withdrawn from consideration in a prior election due to restriction requirement, so claims 23-26 and 28-56 are pending. Claims 32 and 35 are allowed. Claims 45, 53 and 56 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner rejected claims 23-26, 28-30, 36-38, 40-41, 45-46, 48-54 and 56 under 35 U.S.C. 103(a); rejected claims 25, 45-46, 53, 54 and 56 under 35 U.S.C. 103(a); rejected claims 33 and 34 under 35 U.S.C. 103(a); rejected claim 31 under 35 U.S.C. 103(a); rejected claim 42 under 35 U.S.C. 103(a); and rejected claims 43, 44, 47 and 55 under 35 U.S.C. 103(a).

Applicant amends claims 24-26, 28-30, 36 and 56, so that they now depend from allowed claim 32, and are discussed below. Applicant cancels claims 23, 31 and 38-55 herein without prejudice. Claims 24-26, 28-30, 32-37 and 56 remain pending. Each of the Examiner's rejections is respectfully traversed below.

Objection to Claim 56 due to informalities

The Examiner has objected to claim 56 due to informalities. Claim 56 is amended herein as suggested by the Examiner, and furthermore to depend from allowed claim 32.

Accordingly, reconsideration of the objection to claim 56 is requested in view of the amendment.

Rejection of Claims 45, 53 and 56 under 35 U.S.C. §112, second paragraph

Claims 45, 53 and 56 are rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 45 and 53 are canceled. Claim 56 has been amended to remove the offending language.

Accordingly, reconsideration of the rejection of claim 56 is requested in view of the amendments.

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(747 CON 2)Rejection of Claims 23-26, 28-30, 36-38, 40-41, 45-46, 48-54 and 56 under 35 U.S.C.§103(a)

The Examiner rejected claims 23-26, 28-30, 36-38, 40-41, 45-46, 48-54 and 56 under 35 U.S.C. §103(a) as being unpatentable over Spence (US Patent 5,573,890) in view of Jinbo, et al. ("0.2 μ m or Less Lithography by Phase-Shifting-Mask Technology", 1990, IEEE, pages 33.3.1-33.3.4). As mentioned above, claims 24-26, 28-30, 36 and 56 are amended, so that they now depend from allowed claim 32, and canceled claims 23, 31 and 38-55 are canceled without prejudice.

Accordingly, reconsideration of rejected claims 24-26, 28-30, 36 and 56 as amended is respectfully requested.

Rejection of Claims 25, 45-46, 53-54 and 56 under 35 U.S.C. §103(a)

The Examiner rejected claims 25, 45-46, 53-54 and 56 under 35 U.S.C. §103(a) as being unpatentable over Spence and Jinbo, and further in view of Wong, et al. ("Investigating Phase-Shifting Mask Layout Issues Using a CAD Toolkit", 1991, IEEE, pages 27.4.1-27.4.4). These claims are canceled with the exception of claims 25 and 56, which are amended as mentioned above to depend from allowed claim 32.

Accordingly, reconsideration of rejected claims 25 and 56 as amended is respectfully requested.

Rejection of Claims 33 and 34 under 35 U.S.C. §103(a)

The Examiner rejected claims 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Spence and either Jinbo or Wong, et al. and further in view of Pierrat (US Patent 6,040,892). Claim 33 is amended to depend from allowed claim 32, and claim 34 depends from claim 33. Accordingly, reconsideration of rejected claims 33 and 34 as amended is respectfully requested.

Rejection of Claim 31 under 35 U.S.C. §103(a)

The Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over Spence and Jinbo, and further in view of Peirrat or Borodovsky (US 5,424,154). Claim 31 is canceled without prejudice.

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Rejection of Claim 42 under 35 U.S.C. §103(a)

The Examiner rejected claim 42 under 35 U.S.C. §103(a) as being unpatentable over Spence and Jinbo, and further in view of Borodovsky. Claim 42 is canceled without prejudice.

Rejection of Claims 43, 44, 47 and 55 under 35 U.S.C. §103(a)

The Examiner rejected claims 43, 44, 47 and 55 under 35 U.S.C. §103(a) as being unpatentable over Spence and Jinbo, and further in view of Peirrat. Claims 43, 44, 47 and 55 are canceled without prejudice.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (NMTI 1002-4).

Respectfully submitted,

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Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax